



Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 12-234A

ISSUED: February 15, 1994

SUBJECT: Underground Construction Standard, §1926.800; and Technical Corrections

A. Purpose.

This directive transmits the above-referenced amendment to field personnel.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies VOSH-wide.

C. Action.

The Assistant Commissioner, Directors and Supervisors shall assure that employers comply with the requirements of the standard on Underground Construction, §1926.800.

D. Effective Date.

CHANGE I: December 8, 1989

CHANGE II: March 1, 1994

E. Expiration Date.

Not Applicable.

F. Background.

Federal Regulation 29 CFR 1953.23(a)(2) requires state plan states to adopt standards identical to, or at least as effective as, those of federal OSHA. Virginia Code Section 40.1-22(5) reiterates this requirement for VOSH standards.

CHANGE I:

On October 3, 1989 the Virginia Occupational Safety and Health Codes Board adopted a substantially identical version of Federal OSHA's Underground Construction Standard, 29 CFR 1926.800; as published in the Federal Register on June 2, 1989. The Federal version was amended to reference the additional requirements contained in the Virginia Occupational Safety and Health (VOSH) Confined Space Standard for General Industry and the Construction Industry, 1910.146.

The amendments were adopted to assure consistency and uniformity between the requirements for work in "confined spaces" contained in the new 1926.800 and the already existing 1910.146 (see explanation below).

On June 2, 1989, Federal OSHA published in the Federal Register the Underground Construction Standard, 29 CFR 1926.800. The standard is performance oriented and seeks to clarify the existing 17-year old standard (formerly titled "Tunnels and Shafts"), cover hazards not effectively addressed previously, and reflect current technology and methods used in underground construction. (54 Fed. Reg. 23824).

The federal standard was amended by the Board to reference the VOSH Confined Space Standard, 1910.146, to assure consistency and uniformity in the safety and health measures to be taken by employees while working in underground construction areas which also meet the definition of "confined space" contained in 1910.146.

The amendments only serve to reference requirements in 1910.146 which were already applicable to underground construction areas meeting the definition of "confined space." The VOSH Confined Space Standard, 1910.146, was adopted on March 23, 1987 by the Safety and Health Codes Board under the full notice and comment procedures provided by the Virginia Administrative Process Act. The start-up date for enforcement of 1910.146 was January 1, 1988.

CHANGE II:

On June 21, 1993, the Safety and Health Codes Board adopted the federal-identical Permit-Required Confined Spaces Standard ("Permit Spaces"), §1910.146, for general industry, which became effective on September 1, 1993. It also adopted revisions to the existing Virginia unique Confined Space Standard by limiting its applicability to the Construction Industry and renumbering it as CNSP.146 to accommodate the adoption of the federal Permit Spaces standard as §1910.146.

On November 15, 1993, the Safety and Health Codes Board adopted technical corrections to the Underground Construction Standard, §1926.800, with an effective date of March 1, 1994.

G. Summary.

CHANGE I: The revised standard clarifies the type of operations covered (e.g. cut-and-cover operations). It addresses such areas as access and egress; check-in/check-out procedures; safety training (e.g. nine point safety program); notification to on-coming shift about hazardous conditions; emergency provisions (e.g. hoisting

equipment); work in "gassy" operations (e.g. monitoring air quality); ventilation; fire prevention; welding, cutting and hot work; blasting and drilling; electrical safety and hoisting.

Virginia Amendment

The Federal standard was amended to reference the VOSH Confined Space Standard, 1910.146, to assure consistency and uniformity in the safety and health measures to be taken by employees while working in underground construction areas which also meet the definition of "confined space" contained in 1910.146.

The amendment requires employers to comply with any more stringent requirements contained in 1910.146 when working in underground construction areas which also meet the definition of "confined space" in 1910.146. In addition, the amendment changes the atmospheric testing requirement for oxygen from a maximum level of 22 percent oxygen in the air to 23 percent (the maximum level in 1910.146 is 23 percent).

CHANGE II: When the Safety and Health Codes Board adopted the federal-identical Permit-Required Confined Spaces Standard for General Industry and the Construction Industry, §1910.146, the Board also adopted revisions to the existing Virginia unique Confined Space Standard for General Industry and the Construction Industry, §1910.146. These revisions, in turn, required that changes be made to the Underground Construction Standard, §1926.800.

The reference to "Virginia Confined Space Standard for General Industry and the Construction Industry, §1910.146", which appears in §1926.800(a), "Scope and application", is replaced with "Virginia Confined Space Standard for the Construction Industry, CNSP.146".

Carol Amato
Commissioner

E-Attachment: Underground Construction Standard, §1926.800; and Technical Corrections

http://www.doli.state.va.us/infocenter/publications/vaunique_p2.html

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Enforcement
Assistant Commissioner - Training and Public Services
Directors and Supervisors
Voluntary Compliance Staff
Training Staff
OSHA Regional Administrator, Region III

UNDERGROUND CONSTRUCTION STANDARD, §1926.800;
TECHNICAL CORRECTIONS
AS ADOPTED BY THE
VIRGINIA OCCUPATIONAL SAFETY AND HEALTH CODES BOARD
DATE November 15, 1993



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM
VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
EFFECTIVE DATE March 1, 1994
Underground Construction Standard, §1926.800

When the regulations, as set forth in the Technical Corrections to the Underground Construction Standard, §1926.800, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following Federal terms shall be considered to read as below:

FEDERAL TERMS

29 CFR 1926.800

VOSH EQUIVALENT

1926.800